
**State Government Operations &
Accountability Committee**

HB 2523

Brief Description: Auditing the signature verification process in elections.

Sponsors: Representatives Nixon, Anderson, Rodne and Talcott.

Brief Summary of Bill

- During the signature verification process, the county auditor must conduct random audits of verified signatures on batches of ballots.
- A record of each random audit performed must be made, and an audit report must be compiled and made available for public inspection at the time of election certification.
- The Secretary of State shall establish guidelines for conducting random signature verification audits.

Hearing Date: 1/25/06

Staff: Kathryn Leathers (786-7114).

Background:

As the state's chief election officer, the Secretary of State (Secretary) is authorized to promulgate rules necessary to conduct an election, including procedures to ensure consistency among the counties in preparing ballots, operating vote tallying systems, and canvassing of primaries and elections. In general, county auditors are responsible for conducting elections. The county auditors, as the supervisors of elections, are charged with providing places for holding elections, and providing supplies and materials necessary for the conduct of elections.

The Secretary is required to establish guidelines, in consultation with state and local law enforcement or certified document examiners, for election-related signature verification processes. All election personnel assigned to verify signatures must receive training on these guidelines.

A ballot cast in any election is counted only if: (1) the ballot is returned in the return envelope or a similar envelope that contains the same information and is approved by the county auditor; (2) the affidavit is signed with a valid signature; (3) the signature has been verified; (4) the ballot is

postmarked no later than the day of the election or is deposited in an authorized location no later than 8:00 pm on election day; and (5) the ballot is received prior to certification of the election.

If the signature on the absentee or provisional ballot does not match the signature on the original registration record, the county auditor must notify the voter within three days by telephone or in writing that the ballot cannot be processed. The county auditor must also advise the voter that in order for the ballot to be processed, the voter must either update his or her signature by filling out a new voter registration and mailing it back to the county auditor so that it arrives no later than the day before certification, or appear in person at the auditor's office no later than the day before certification and update his or her signature. If the voter neglected to sign the affidavit on the outer envelope, the auditor must also notify the voter within three days and mail a copy of the unsigned affidavit to the voter or require the voter to appear in person and sign the affidavit. The unsigned affidavit must be signed and returned to the auditor's office no later than the day prior to certification. A voter may not cure a missing or mismatched signature in a recount.

If the county auditor or election personnel are not able to make a determination regarding the validity of a signature, all such ballots must be forwarded to the canvassing board for a final determination. A record must be kept of all ballots with mismatched signatures, and this record becomes a public record once the election has been certified by the county canvassing board.

Summary of Bill:

During the signature verification process, county auditors must conduct random audits of verified signatures on batches of ballots for quality control purposes. The random audits must be performed: (1) before the outer envelope of a ballot is opened; (2) on at least 5 percent of the total ballots cast; and (3) by any qualified person other than the initial signature verifier. Political party representatives must be offered an opportunity to observe and be present at the time any audit is conducted.

A record of each audit performed must be made, and the record must include the date of the audit, the name of the auditor, and the audit results. The names of all election personnel who make voter signature verification determinations must be recorded and maintained in such a manner as to allow identification of those election personnel at any time after the determination is made.

An audit report must be compiled and made available for public inspection at the time of election certification. The report must include the following: the total number of signatures verified, including signatures not audited; after the initial signature verification process, the total number of signatures found to be a match and the total number of signatures found not to be a match; the total number of signatures initially found to not match and the corresponding results of the second signature verifier's findings; the total number of signatures initially found to be a match that were determined to not match; and the total number of signatures sent to the canvassing board for a final determination of whether the signatures match.

The Secretary must establish guidelines for conducting random signature verification audits during the signature verification process.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.